

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

YURI TURBAN, #A97-519-638,
Petitioner

*

v.

CIVIL ACTION NO. JFM-05-2180

*

ICE et al.,
Respondents

*

MEMORANDUM

Petitioner Yuri Turban filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 when he was a detainee of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement (“ICE”) and in the custody at the County Wicomico County Detention Center in Maryland. Petitioner, an alien subject to an administratively final order of removal, contended that his continued ICE detention violated the dictates of Zadvydas v. Davis, 533 U.S. 678 (2001). Petitioner did not challenge the legality of his administratively final removal order. The only relief he sought was release from custody pending removal.

Respondents filed a dispositive motion to dismiss the petition based on Petitioner’s imminent removal. Respondents argued that Petitioner failed to meet his burden of proof because he offered no evidence that his removal was not significantly likely in the reasonably foreseeable future. Indeed, Petitioner was deported on September 20, 2005.¹ Petitioner has been accorded the relief he requested, and the petition will be dismissed as moot by separate Order.

October 18, 2005
Date

/s/
J. Frederick Motz
United States District Court

¹ Counsel for Respondents has informed court personnel that Petitioner was deported on September 20, 2005.